

NEBRASKA ADMINISTRATIVE CODE

TITLE 54 - NEBRASKA BRAND COMMITTEE

RULES AND REGULATIONS

NEBRASKA ADMINISTRATIVE CODE

TITLE 54 - NEBRASKA BRAND COMMITTEE

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Rule 3. Distribution of Brand Books.

So far as is practicable, complimentary copies of the Nebraska Brand Book (with supplements) shall be distributed to county sheriffs in the brand area and to State Safety Patrol members whose assignments are within the brand area.

Such copies shall be distributed at each printing of the brand book.

Statute: Section 54-110

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Last Issue Date: July 27, 1977

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Chapter 8

Chapter 8 - Rules and Regulations to Provide for the Movement of Cattle from the Nebraska Brand Inspection Area for Show or Exhibition Purposes

- (1) Any resident of the Nebraska Brand Inspection Area shall upon request be allowed to remove cattle from the Nebraska Brand Inspection Area with a single seasonal brand inspection being performed by the Nebraska Brand Committee for purposes of exhibition, showing or judging, including rodeo contracting purposes, if the following stipulations are met:
 - (a) The cattle being removed shall bear individual, permanent identification.
 - (b) For the purposes of this Rule and Regulation, a brand as described in Section 1, 54-198(1) shall not be considered individual identification.
 - (c) The Nebraska Brand Committee shall make one initial brand inspection on the cattle to be removed for such purposes as stated in Section (1).
 - (d) The Nebraska Brand Committee shall issue a certificate of inspection to the owner of the cattle that shall describe the cattle so inspected as to sex, breed, color, brands, earmarks, tattoos, tags or any other individual identification as provided in Section (a).
 - (e) The inspection certificate shall carry the notation: FOR SHOW PURPOSES ONLY - NOT TRANSFERABLE - EXPIRES ONE YEAR FROM DATE OF ISSUANCE.
 - (f) The certificate of inspection shall be valid for a period of one year from date of issuance or until such time that there is a change of ownership of the cattle described on the certificate of inspection.

(g) Should the cattle so described be sold, slaughtered or traded within the Nebraska Brand Inspection Area or at any market where the Nebraska Brand Committee maintains inspection, the cattle shall be subject to another brand inspection as provided by statute and the certificate of inspection issued under the provisions of the Rule and Regulation shall be surrendered to the Nebraska Brand Committee.

(h) If the cattle so described are still in the noted owners' possession after one year from issuance of the certificate of inspection, another certificate of inspection must be obtained from the Nebraska Brand Committee before the cattle so described can be removed from the Nebraska Brand Inspection Area.

(i) The certificate of inspection issued under this Rule and Regulation shall accompany the cattle described thereon anytime the cattle leave the Nebraska Brand Inspection Area.

(j) Any intentional misuse of the certificates or privileges herein stated shall subject the holder to immediate revocation of all certificates by the Nebraska Brand Committee.

(k) This Rule and Regulation does not pertain to any other state's law or Rules and Regulations, and does not exempt any cattle from an inspection in another state.

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Chapter 10

Chapter 10 - Proof of Ownership Documents

(1) Statement of Purpose: The purpose of these rules and regulations in carrying out and the enforcement of Nebraska's Livestock Brand Act governing the issuance and retention of documents pertaining to the title and/or evidence of ownership of livestock.

(2) Definitions.

(2.1) ANIMAL HEALTH OR TESTING CERTIFICATE shall mean an original destination copy of the individually numbered certificate of veterinary inspection, issued by an approved veterinarian on all animals brought into this state and shall indicate the destination of the animal or animals. Such document shall meet the requirements for issuance, approval, content, and filing prescribed by the Department of Agriculture through rules and regulations.

(2.2) PURCHASE SHEETS shall mean the original statement of purchase issued by an auction market licensed with the United States Department of Agriculture, Packers and Stockyards Administration and the Nebraska Department of Agriculture as a marketing agent. Such document shall state the name and address of the buyer, the date of issuance, the number of livestock purchased, the sex and color of such animal and the dollar amount paid.

(2.3) DISCLAIMER OF INTEREST shall mean the original form stating the shipper, seller, brand owner or authorized agent, the number and description of the livestock being disclaimed per animal or by the proceeds thereof, including the city of location of such action, the shipper, seller, brand owner or authorized agent's signature, which shall be attested to by at least one witness.

(2.4) AFFIDAVIT – (LIVESTOCK SHIPPERS AFFIDAVIT AND AGREEMENT) shall mean an original document of a declaration under oath, in writing, before some person who has authority under the law to administer oaths. the Livestock Shippers Affidavit and Agreement form must be completed in its entirety, shall document the brands, tattoos, or marks on the livestock, the point of origin, and physical description of the livestock on the affidavit. The body of the affidavit must state facts, not opinions or conclusions, by one having actual knowledge of the facts. The affidavit must be completed prior to the affiant signing, attesting to the information provided. The affidavit is to be signed in the presence of a notary public and notarized.

(3) Best Evidence: In determining satisfactory evidence of proof of ownership the following will be given priority in descending order:

- i. Certificate of Inspection
- ii. Brand Clearance
- iii. Bill of Sale
- iv. Certified copies of Certificates of Inspections, Brand Clearances, bills of sale from the issuing brand inspection agency.
- v. Animal Health or Testing Certificate
- vi. Purchase Sheets
- vii. Disclaimer of Interest
- viii. Affidavit (Livestock Shippers Affidavit Agreement)
- ix. Other documentary evidence such as breed registration certificates, recorded brand certificates, scale tickets, court orders, security agreements, powers of attorney, canceled checks, bills of lading, or tags; and such other facts, statement, or circumstances that taken in whole or in part cause an inspector to believe that proof of ownership is established.

(4) Inspection and Documentation Requirements: When a brand inspection is required by a Nebraska Brand Inspector or Investigator under the provisions of Nebraska's Livestock Brand Act or section 54-415 and the brand inspector "*questions the ownership*" of cattle that are unbranded or bears a brand or brands in addition to, or other than, the recorded brand or brands of the consignor, shipper or seller, the brand inspector shall require the "Best Evidence" and the documentary evidence of ownership shall be relinquished as follows:

(4.1) When cattle originate from, or are purchased from, within the Nebraska Brand Inspection Area or from another state offering brand inspection, an original title copy of the certificate of inspection, brand clearance, receipt for brands or bill of sale is required as best evidence. If the seller, shipper or consignor retains possession of a portion of the cattle listed on said document, the original title copy shall be taken up and filed with the current Nebraska Brand committee tally, certificate or clearance. The brand inspector shall write a Receipt for Brands, return a copy thereof to the seller, shipper or consignor which shall be construed as evidence of ownership.

(4.2) When cattle originate from a sale barn in Nebraska's Non-brand Inspection Area or from a sale barn in a state in which no brand inspection is offered, an original copy of an auction market purchase sheet is required. If the seller, shipper or consignor retains a portion of the cattle listed on said document, the inspector shall note on the original purchase sheet the number of head sold or shipped, the date of transaction, place his/her signature indicating which inspector performed this acknowledgment. The inspector shall take a photo copy of said original purchase sheet and return such to the shipper, seller or consignor.

(4.3) Cattle purchased in a non-brand inspection area at a farm sale or at a registered purebred auction, the provisions outlined requiring a purchase sheet in (4.2) shall apply.

(4.4) When cattle are purchased by private treaty in the non-brand inspection area of Nebraska, a legal, properly executed, original bill of sale shall be relinquished to the brand inspector. If the seller, shipper or consignor retains possession of a portion of the cattle noted on the bill of sale, the inspector shall retain the original and file it with the Nebraska Brand Committee tally or certificate of inspection and issue a receipt for brands, which shall be construed as documentary evidence of ownership on said cattle.

(4.5) When cattle are purchased and/or originate in a non-brand inspection state, the seller, shipper or consignor shall provide the original bill of sale or the destination/original copy of an animal health or testing certificate. If the bill of sale is deemed a legal, properly executed, original document, the brand inspector shall carry out the provisions as outlined in section (4.3). If an animal health or testing certificate is offered as documentary evidence of ownership, the brand inspector shall follow the provisions of retention and relinquishment as outlined in (4.2) apply.

(4.6) When a bill of sale, brand clearance, certificate of inspection, purchase sheet, or animal health or testing certificate is not obtainable and all avenues have been exhausted in attempting to acquire said documents, the brand inspector shall request one or more of the following best evidence documents: Breed registration certificates, scale tickets, disclaimers of interest, court orders, security agreements, powers of attorney, bill of lading, canceled checks; affidavit and/or rely on such other facts, statements or circumstances that, taken in whole or in part, causes the brand inspector to believe that proof of ownership is established.

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Chapter 11

Chapter 11 - Rules and Regulations for Surcharge

(1) Statement of Purpose: The purpose of this rule and regulation is to implement a surcharge per Legislative Bill 181, not to exceed \$20.00 to cover travel expenses incurred by brand inspectors per inspection location when performing brand inspections as requested or required by the Livestock Brand Act.

(2) Definition:

(2.1) "Local Country Inspections" shall mean those brand inspections that are performed in the country authorizing the movement of livestock, the slaughter of livestock, or the change of ownership of livestock at ranches, farms, and/or feedlots, including those inspections involving farm auctions and Purebred/registered cattle sales.

(3) Requirements: A surcharge of \$10.00 per stop shall be assessed on all local country inspections except when there is no travel cost incurred by the brand inspector. The surcharge shall be collected by the brand inspector and paid by the person requesting the inspection or the person required by law to have the inspection.

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Chapter 12

Chapter 12 - Rules and Regulations for Out-of-State Branding Permit

(1) Statement of Purpose: The purpose of this rules and regulation is to implement the Out-of-State Branding Permit per Legislative Bill 435, not to exceed \$50.00 which authorizes a one-time use of a brand registered with a state other than Nebraska to brand cattle imminently being exported out of Nebraska.

(2) Definition:

(2a) "Imminently": shall mean (30) thirty days or less from the date of branding.

(3) Requirements:

(3.a) Application: Applicant must complete in its entirety an application form as furnished by the Nebraska Brand Committee and submit it to a brand inspector for approval/disapproval.

(3.b) Fee: The application shall be accompanied by a payment of \$25.00 per permit.

(3.c) Confinement: Cattle governed under this permit must remain in a confined facility, i.e. feedlot, ranch/farm corrals, auction market yards, veterinary clinic, etc. until exported out of the state of Nebraska.

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